IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1898 OF 2003

IN

SUIT NO. 1967 OF 2003

Hindustan Lever Ltd,. ... Plaintiffs.

vs.

Mrs. Kirti Makheeja trading as
Surya Detergent Industries. ... Defendants.

Mr. Virendra Tulzapurkar a/w Amit Jamsandekar
i/by Crawford Bayley & Co. for plaintiffs.
Mr. Rahul K. Oak i/by Rajesh Datar for Defendants.

CORAM : S.U. KAMDAR, J.

DATE : 19TH OCTOBER, 2005.

P.C.

. The present suit is filed for infringement of passing off in respect of the mark used by the plaintiff known as RIN SHAKTI. It is the case of the plaintiff that the defendants are using deceptively similar mark as RIA SHAKTI as shown in Exhibits F-1 and F-2. Even after modification the said mark is continued to be used by the defendants as indicated in Exhibits F-3 and F-4 to the plaint. The said two marks are introduced by way of

amendment in the suit. On perusal of Exhibit B-1 with F-1 there is no doubt that the mark is deceptively similar and even after the modification the same mark is continued to be used. Only the colour scheme has been changed. In the present motion already a Court Receiver has been appointed by an order dated 3.10.2003 which has been further confirmed by an order dated 4.7.2005 and further confirmed by an order dated 3.10.2005 and 10.10.2003. In my view, there is no defence in the present motion and, therefore, ad-interim order of Receiver is confirmed. Motion made absolute in terms of prayer clauses (a) to (d). Motion disposed of accordingly. No order as to costs.